

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

BONNIE WOODS and)	
JOYCE BALTRUSAITIS,)	
)	
Plaintiff,)	
v.)	Case No: 1:17-CC-00074ACL
)	
SHERIFF CORY HUTCHESON,)	
)	
Defendant.)	

ANSWER TO FIRST AMENDED COMPLAINT

COMES NOW Defendant Cory Hutcheson by and through his attorney Albert M. Spradling, III of Spradling & Spradling and for his Answer to Plaintiffs' First Amended Complaint admits or denies the following:

1. Paragraph 1 of Plaintiffs' First Amended Complaint is a statement of a claim without factual basis and further there is no allegation of an injunctive relief being prayed for in the First Amended Complaint and it is denied that the Defendant has deprived Plaintiffs of their rights secured under the Constitution and laws of the United States and also the laws of the State of Missouri.
2. Paragraph 2 Plaintiffs' First Amended Complaint is unknown and therefore strict proof is demanded.
3. Paragraph 3 of Plaintiffs' First Amended Complaint, on information and belief,

admitted.

4. Paragraph 4 of Plaintiffs' First Amended Complaint is admitted.
5. Paragraph 5 of Plaintiffs' First Amended Complaint is admitted.
6. It is admitted that Defendant was acting in his official and individual capacity under the laws, statutes, ordinances, policies and customs of the State of Missouri, but all other allegations in Paragraph 6 of Plaintiffs' First Amended Complaint are denied.
7. Paragraph 7 of Plaintiffs' First Amended Complaint is a jurisdictional statement only however, it is denied that there is any cause of action pursuant to 42 U.S.C. § 1983 or § 1988 or the other allegations set forth in Paragraph 7 of Plaintiffs' First Amended Complaint.
8. Paragraph 8 of Plaintiffs' First Amended Complaint is a jurisdictional statement only and Defendant denies there is any cause of action under 42 U.S.C. § 1983 to bring this matter under the jurisdiction of this Court.
9. Paragraph 9 of Plaintiffs' First Amended Complaint is admitted in that venue is proper in the Southeastern Division of the Eastern District of the United States District Court, however, the Defendant denies that there is any cause of action giving rise to any actions as alleged by Plaintiffs.
10. On information and belief Paragraph 10 of Plaintiffs' First Amended Complaint is admitted.
11. On information and belief Paragraph 11 of Plaintiffs' First Amended Complaint is admitted.
12. Paragraph 12 of Plaintiffs' First Amended Complaint is admitted.

13. It is admitted that Kasey Hall terminated her employment with Joyce's Beauty Shop and all other allegations in Paragraph 13 of Plaintiffs' First Amended Complaint are unknown and therefore denied.
14. Paragraphs 14 and 15 of Plaintiffs' Amended Complaint are unknown and therefore denied.
15. Paragraphs 16 and 17 of Plaintiffs' First Amended Complaint are admitted.
16. Paragraph 18 of Plaintiffs' First Amended Complaint is unknown and therefore denied.
17. Paragraphs 19 and 20 of Plaintiffs' First Amended Complaint are admitted.
18. Paragraphs 21 and 22 of Plaintiffs' First Amended Complaint are denied.
19. Paragraph 23 of Plaintiffs' First Amended Complaint is admitted.
20. Paragraph 24 of Plaintiffs' First Amended Complaint is admitted.
21. Paragraphs 25, 26, 27 and 28 of Plaintiffs' First Amended Complaint are denied or unknown and therefore denied.

COUNT I.

COMES NOW Defendant Cory Hutcheson by and through his attorney Albert M. Spradling, III of Spradling & Spradling and for his Answers to Count I of Plaintiffs' First Amended Complaint admits or denies the following:

22. Defendant restates and realleges all of his answers to Paragraphs 1 through 28 as and for his answer to Paragraph 29 of Count I of Plaintiffs' First Amended Complaint.
23. Paragraphs 30 and 31 of Count I of Plaintiffs' First Amended Complaint are admitted.

24. Paragraphs 32, 33, 34, 35 and 36 of Count I of Plaintiffs' First Amended Complaint are denied.

25. As defense to Count I of Plaintiffs' First Amended Complaint, Defendant states that he is qualifiedly immune from any and all liability as his actions in response to the matters presented to him were reasonable in light of the circumstances occurring at the time of his investigation.

26. As a further defense, said count fails to state a claim for which relief may be granted.

WHEREFORE, Defendant having fully answered Count I of Plaintiffs' First Amended Complaint, prays said complaint to be dismissed and go hence with his costs.

COUNT II.

COMES NOW the Defendant and for his Answer to Count II of Plaintiffs' First Amended Complaint admits or denies the following:

27. Defendant restates and realleges all of his answers to Paragraphs 1 through 36 as and for his answer to Paragraph 37 of Count II of Plaintiffs' First Amended Complaint.

28. Paragraphs 38, 39 and 40 of Count II of Plaintiffs' First Amended Complaint are denied.

29. As a defense to Count II, Defendant states that he is entitled to public duty doctrine and official immunity doctrine defenses as whatever actions taken by Defendant were taken in accordance with his discretionary powers as sheriff.

WHEREFORE, Defendant having Answered Count II of Plaintiffs' First Amended Complaint prays said Count to be dismissed and go hence with his costs.

COUNT III.

COMES NOW the Defendant and for his Answer to Count III of Plaintiffs' First Amended Complaint, admits or denies the following:

30. Defendant restates and realleges all his answers to Paragraphs 1 through 40 as and for his answer to Paragraph 41 of Count III of Plaintiffs' First Amended Complaint.
31. Paragraphs 42 and 43 of Count III of Plaintiffs' First Amended Complaint are admitted.
32. Paragraphs 44, 45, 46, 47 and 48 of Count III of Plaintiffs' First Amended Complaint are denied.
33. As a defense to Count III, Defendant states that said Count fails to state a claim for which relief may be granted as there was probable cause or arguable probable cause to believe an offense was committed.

WHEREFORE, Defendant having fully answered Count III, he prays said Count to be dismissed and go hence with his costs.

COUNT IV.

COMES NOW the Defendant and for his answer to Count IV of Plaintiffs' First Amended Complaint admits or denies the following:

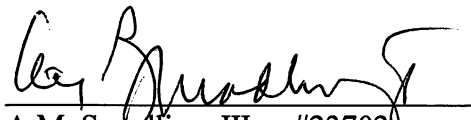
34. Defendant restates and realleges all of his answers to Paragraphs 1 through 48 of Plaintiffs' First Amended Complaint as and for his answer to paragraph 49 of Count IV of Plaintiffs' First Amended Complaint.
35. Paragraphs 50, 51, 52, 53 and 54 of Count IV of Plaintiffs' First Amended Complaint are denied.

36. As defense to Count IV, Defendant states it said Counts fail to state a claim for which relief may be granted.

WHEREFORE, the Defendant having fully answered Count IV of Plaintiffs' First Amended Complaint prays said Count to be dismissed and go hence with his costs.

SPRADLING & SPRADLING

By


A.M. Spradling, III #237020
1838 Broadway, P.O. Drawer 1119
Cape Girardeau, MO 63702-1119
(573)335-8296 Fax:(573)335-8525
spradlaw@spradlaw3.com
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2019, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the attorneys of record.

SPRADLING & SPRADLING

By:

